

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CABATECH, LLC,

Plaintiff,

v.

NEXTLIGHT, LLC,

Defendant.

Case No. 1:22-cv-00059-MWM

Honorable Matthew W. McFarland

AFFIDAVIT OF NICHOLAS BRUMM

State of Ohio)
) ss.
County of Hamilton)

Affiant, Nicholas Brumm, having been first duly sworn and cautioned, states as follows:

1. I am a member of Defendant NextLight, LLC ("NextLight") and competent to testify as to the matters herein on the basis of my own personal knowledge.
2. In 2021, I engaged in direct communications with Gregory Barwell of the WESPBARWELL LLC law firm, in his capacity as attorney for Plaintiff CABATech, LLC ("Plaintiff"), regarding invoices that Plaintiff claimed were owed by NextLight.

3. During the course of those communications, I notified Barwell that the light fixtures supplied by Plaintiff to NextLight were defective and NextLight experienced many product failures related to the defects.

4. Also during the course of those communications, I notified Barwell of NextLight's warranty claims regarding the defective products supplied by Plaintiff.

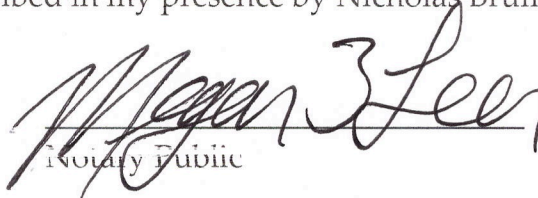
5. A true and accurate copy of communications between myself and Barwell establishing notice of NextLight's warranty claims for the defective products is attached hereto as **Exhibit A**.



Nicholas Brumm

CERTIFICATE OF SERVICE

Sworn to before me and subscribed in my presence by Nicholas Brumm, this 25 day of August, 2022.


Notary Public

MEGAN E. LEEN
Notary Public, State of Ohio
My Commission Expires
September 23, 2023

Elizabeth A. Kramer

From: Nick Brumm
Sent: Thursday, December 2, 2021 11:35 AM
To: gbarwell@wesplaw.com
Subject: FW: CABA Invoice

Here is the first time we reached out regarding issues with the V2 Mega.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>
Date: Tuesday, February 2, 2021 at 1:50 PM
To: 'Nick Brumm' <nick@nextlight.com>
Subject: RE: CABA Invoice

Now I understand what's on your mind. Thanks for sharing.

I'll give you a call shortly. I'd love to know more about what you're thinking. And we can talk about the issues you've seen with the MEGAs.

Adam

From: Nick Brumm <nick@nextlight.com>
Sent: Tuesday, February 2, 2021 10:02 AM
To: Adam Friedman <afriedman@cabatech.com>
Subject: Re: CABA Invoice

Yes I scheduled the wire for \$106,799.70.

The Core and Veg8 don't sell very well compared to Mega and our margin on them is not as good. I'm being non-committal on the V2 of these units because I think it may be time to sunset them.

Can you send me some spares for the V2 units? I don't have any spare boards, drivers, com boards, wiring etc and we've already seen some issues with a couple of units.

Thanks,

Nick Brumm
NextLight

nick@nextlight.com

www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>

Date: Monday, February 1, 2021 at 7:45 PM

To: 'Nick Brumm' <nick@nextlight.com>

Subject: CABA Invoice

Hi Nick,

Here's the small invoice for the 6-15 cords sent out last week.

I really want to get the updated version of the Veg8 out to you asap. Did you have some time to think the through the marketing issue of the lower wattage (i.e. maintaining the same marketing data on wattage, but showing the increased performance)? There are huge improvements being made on the Veg8 and Core fixtures. It would be a shame not to take advantage. If there's anything else at play, let me know.

BTW, if you're still planning on only \$100k tomorrow, can you please make it \$106,799.70, so that we can close out the oldest invoice? I hope the extra \$7k is doable.

Thanks,
Adam

Elizabeth A. Kramer

From: Nick Brumm
Sent: Thursday, December 2, 2021 11:28 AM
To: gbarwell@wesplaw.com
Subject: FW: CABA Invoice
Attachments: CABA Invoice #34636.pdf

Here is where he used to send us parts to fix stuff but didn't invoice it.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>
Date: Thursday, October 22, 2020 at 7:04 PM
To: 'Nick Brumm' <nick@nextlight.com>
Cc: 'Anna Lopez' <alopez@cabatech.com>
Subject: CABA Invoice

Hi Nick,

Invoice attached for your MEGA shipment today. We also included 480 boards for Dan to use to repair that one set of customer failures. I hope this helps.

Adam

CABATech, LLC

5435 Balboa Blvd, Suite 108
Encino, CA 91316
800-853-7606

**INVOICE**

BILL TO	SHIP TO	SHIP DATE	10/22/2020	INVOICE	34636
NextLight	NextLight	SHIP VIA	Independent Carrier	DATE	10/22/2020
1008 Seabrook Way	1008 Seabrook Way	TRACKING#	BOL# 927328912X	TERMS	Net 60
Cincinnati, OH 45245	Cincinnati, OH 45245			DUE DATE	12/21/2020

PO NUMBER
CAB091

ACTIVITY	QTY	UNIT PRICE	AMOUNT
10020605 NextLight MEGA Grow Light 640w, 90~305v, Power Entry, AC Access plate Individually packed	212	538.23	114,104.76
Shipping Tariff Allocation	212	37.68	7,988.16
10020604 NextLight MEGA Grow Light 640w, 90~305v, Comboard in AC Access plate Individually packed	100	552.23	55,223.00
Shipping Tariff Allocation	100	38.66	3,866.00
Returns Allowance Allowance for Future Returns	-0.01	181,181.92	-1,811.82
Shipping Truckload Freight: Springfield Cartage, LLC	1	4,550.00	4,550.00

EXW: Factory
SHIP VIA: Prepay and Add

BALANCE DUE**\$183,920.10**

Elizabeth A. Kramer

From: Nick Brumm
Sent: Thursday, December 2, 2021 11:25 AM
To: gbarwell@wesplaw.com
Subject: FW: CABA Invoices and Credits
Attachments: CABA Invoice #34606.pdf; CABA Invoice #34607.pdf; CABA Credit Memo #34608.pdf

Greg,

Here is the rest of the credit referenced in the earlier email. This was for everything on our floor at the time at our tiny little warehouse.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>
Date: Thursday, October 1, 2020 at 8:41 PM
To: 'Nick Brumm' <nick@nextlight.com>
Subject: CABA Invoices and Credits

Hi Nick,

Too bad for the Reds, but I guess if you can't score one run in two games, there's really no way to win. 😊

Attached are two invoices for shipments today – the MEGA truckload along with the 500 comboard panels. Notice the returns allowance now included on every fixture invoice.

Also attached is a credit memo for the remaining fixtures on Dan's report. As I think you mentioned, the payment due this week is \$296,492.88. Including the three credit memos I've sent you, next week's payment would be \$217,829.94 (\$305,023.20 - \$87,193.26). The weeks after that would be \$185,491.92 and \$191,101.33, respectively. Please let me know if your numbers disagree.

I'm looking forward to getting more info on raw materials we can send to help your refurb efforts, as well as any information on the potential big order.

One additional thing I'll ask is that Dan continues to update his returns worksheet on a continuous basis. That will help us identify any lagging problems that need attention. With your permission, I'd like to ask him directly to keep that sheet updated and for him to continue to work with Anna on any issues that arise.

Talk to you soon,
Adam

CABATech, LLC

5435 Balboa Blvd, Suite 108
Encino, CA 91316
800-853-7606

**INVOICE**

BILL TO	SHIP TO	SHIP DATE	10/01/2020	INVOICE	34606
NextLight	NextLight	SHIP VIA	Independent Carrier	DATE	10/01/2020
1008 Seabrook Way	1008 Seabrook Way	TRACKING#	BOL# 9273246733	TERMS	Net 60
Cincinnati, OH 45245	Cincinnati, OH 45245			DUE DATE	11/30/2020

PO NUMBER
CAB091

ACTIVITY	QTY	UNIT PRICE	AMOUNT
10020605 NextLight MEGA Grow Light 640w, 90~305v, Power Entry, AC Access plate Individually packed	212	538.23	114,104.76
Shipping Tariff Allocation	212	37.68	7,988.16
10020604 NextLight MEGA Grow Light 640w, 90~305v, Comboard in AC Access plate Individually packed	100	552.23	55,223.00
Shipping Tariff Allocation	100	38.66	3,866.00
Returns Allowance Allowance for Future Returns	-0.01	181,181.92	-1,811.82
Shipping Truckload Freight: Springfield Cartage, LLC	1	4,468.00	4,468.00

EXW: Factory
SHIP VIA: Prepay and Add

BALANCE DUE

\$183,838.10

CABATech, LLC

5435 Balboa Blvd, Suite 108
 Encino, CA 91316
 800-853-7606

**INVOICE**

BILL TO	SHIP TO	SHIP DATE	10/01/2020	INVOICE	34607
NextLight	NextLight	SHIP VIA	Springfield Cartage,	DATE	10/01/2020
1008 Seabrook Way	1008 Seabrook Way		LLC	TERMS	Net 60
Cincinnati, OH 45245	Cincinnati, OH 45245	TRACKING#	BOL# 9273246733	DUE DATE	11/30/2020

PO NUMBER
 CAB098

ACTIVITY	QTY	UNIT PRICE	AMOUNT
10019490 Com-board installed in Mega access panel	500	14.00	7,000.00

EXW: Factory
 SHIP VIA: Prepaid Freight

BALANCE DUE

\$7,000.00

CABATech, LLC

5435 Balboa Blvd, Suite 108
Encino, CA 91316 US
800-853-7606

**CREDIT TO**

NextLight
1008 Seabrook Way
Cincinnati, OH 45245

CREDIT # 34608**DATE 10/01/2020**

ACTIVITY	QTY	UNIT PRICE	AMOUNT
MEGA RMA NextLight MEGA Grow Light Bulk returns captured as of 10/1/20	122	538.23	65,664.06

Note:

46x noted as having failed blue driver
29x noted as having failed red driver
15x noted as having burnt diodes or strips
10x noted as being wired incorrectly
22x noted with miscellaneous problems

TOTAL CREDIT**\$65,664.06**

Elizabeth A. Kramer

From: Nick Brumm <nick@nextlight.com>
Date: Thursday, January 27, 2022 at 12:41 PM
To: Gregory Barwell <gbarwell@wesplaw.com>
Subject: Re: CABATech

Greg,

I have paid my warehouse guys close to \$8k so far in OT to work on these fixtures knowing that they will still have an unacceptably high failure rate after the repairs are performed.

Now we are completely out of boxes and I need to order 1,000 single fixture boxes and 100 multi fixture boxes so we are still able to ship repaired units out.

I paid FedEx Express \$315k last year shipping these replacement fixtures.

I had to stop selling the V2s while I still had over 900 new units on my floor because I realized those would all have to go out the door as replacements.

I sent you the raw data through September and you should have reviewed it by now. I can send over more data but I'd like to get a conversation started about what CABA plans to do. Per their warranty they can either repair the units (we tried this and it ended up creating more work for my team), replace all the units that fail (expensive), or issue a refund (credit). You need to poke them to evaluate which is the most economical option. There were over 2800 of these things sold and around a third of them have failed so far.

Thanks,

Nick Brumm

NextLight
nick@nextlight.com
www.nextlight.com

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From: Nick Brumm <nick@nextlight.com>
Date: Tuesday, January 11, 2022 at 1:43 PM
To: Gregory Barwell <gbarwell@wesplaw.com>
Subject: Re: CABATech

Greg,

I'm currently at home with covid myself, just got my PCR results today. I won't be back in the office until next Monday at the earliest.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Gregory Barwell <gbarwell@wesplaw.com>
Date: Monday, January 10, 2022 at 3:41 PM
To: Nick Brumm <nick@nextlight.com>
Subject: Re: CABATech

Thanks Nick. We had another Covid case in our household which causes all sorts of issues.

I thought we were done and I am trying to get back up to speed. Any more detail would be very helpful. I have a message into Adam on the amount to be paid this week.

Thank You!



PLEASE SEE OUR NEW ADDRESS

Gregory Barwell, Attorney at Law
475 Metro Place South, Suite 430
Dublin, Ohio 43017

Direct Phone 614.778.8199 / Phone & Fax 614.456.0488

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On Jan 7, 2022, at 2:33 PM, Nick Brumm <nick@nextlight.com> wrote:

Greg,

I'm having our database guy run this report again with a bit more detail and it will include data through yesterday. He is in India so it takes a little back and forth to get everything I need. I'll send that over as soon as I get it, but it might be Monday. Do you need any info that was not present on the report I sent to you yesterday?

Also, I went ahead and scheduled a wire for \$10,000.00 + \$2,278.26 today. I am taking the credit for overtime that my guys have worked to fix these V2 units and I would like to apply that to my payment due next week. To be clear, I am asking if it is acceptable to make no payment next week because I am pre-paying it this week. I assume it would be better to pay it forward and ask rather than just send a light payment this week.

Let me know ASAP about both questions.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Nick Brumm <nick@nextlight.com>
Date: Thursday, January 6, 2022 at 3:53 PM
To: Gregory Barwell <gbarwell@wesplaw.com>
Subject: Re: CABATech

Greg,

Attached is the RMA database through September 24, 2021. I will add to this list and make it current. We have a separate list where we are trying to keep the V2 count isolated. I will update that one as well and send it over. The quick summary of V2 issues is as follows:

Total V2 warranty units shipped to customers – 922

Total repaired V2 units replaced (bad driver/board) - 21

For tomorrow's payment I would like to send over \$10,000.00 - \$3,983.06 – \$3,738.68 = \$2,278.26. I would like to hit the pause button on the payments until we have an agreement in place, but I understand that consistent payments of any amount are preferable to Best Lighting. I have attached the overtime calculations below for your reference.

<image001.png>

<image002.png>

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Gregory Barwell <gbarwell@wesplaw.com>
Date: Wednesday, December 15, 2021 at 4:17 PM
To: "nick@nextlight.com" <nick@nextlight.com>
Cc: Jud Mauger <jmauger@wesplaw.com>
Subject: CABATech

Subject to Federal Civil Rule of Civil Procedure 408

Nick,

We have had several conversations regarding an alleged issue with the MEGA 2.0 Grow Light product ("MEGA") NexLight purchased from CABA from February through July of this year. NextLight claims there are issues with the MEGA regarding the warranty of the MEGA and there are failures with the lighting product. NextLight further claims the issue regarding the alleged MEGA failure is well documented. However, as of today, I have received no documentation of such documented claims regarding the failure of the MEGA.

On behalf of NextLight, you have made repeated representations that NextLight will pay the outstanding invoice that is due. However, NextLight's payments have been sporadic and only made a small dent in the outstanding invoice of roughly \$1,600,000. CABA has attempted to make an offer in good faith to settle such issues with NextLight including a substantial reduction in the invoice that you accepted. Once you and I reached a compromise on the reduction, you wanted CABA to alter its warranty policy to only reimburse NextLight for each and every MEGA that is returned to NextLight for the full purchase price. The offer of reduction of NextLight invoice is hereby withdrawn.

CABA's warranty policy is clear and states "Seller will elect, in its sole discretion, to refund you the purchase price of the Product, repair the Product or replace the Product." Your demand for reimbursement of the purchase price as the sole remedy is only an option for CABA to elect, and not the sole remedy. As you know, CABA may, at its sole discretion, reimburse the purchase price of the MEGA, replace or repair the MEGA. Further, the issue with some of the MEGA products is a simple connector which CABA agreed to repair and/or replace. CABA has worked with NextLight to remedy any and all such product failures, including sending NextLight parts to repair the circuit, and NextLight has remedied the issue. However, NextLight has failed to fully document each and every such MEGA failure.

Before we continue any further negotiations regarding the alleged failure of the MEGA, CABA requests that NextLight document each and every failure of the MEGA product in the marketplace that was sold to NextLight between February - July 2021. This includes the unit serial number, the date of failure, the date of return, and the location of each MEGA unit NextLight alleges has failed. Since all of these alleged failures occurred for the shipments between February and July of 2021, CABA expects that NextLight will have these units in its inventory or knows the location of the MEGA unit. CABA stands by its warranty and will either reimburse, replace or repair each verified defective unit that is covered under its warranty.

You have represented to me that this information is documented in NextLight's system and I respectfully request you provide this information to me by January 7, 2022. Should you fail to provide this information by January 7, 2022, CABA will proceed accordingly with legal action to collect its outstanding invoice due from NextLight. At least during the legal process NextLight will have to produce such information in order to support its claim. I would rather take a more civil approach and dispense of a lawsuit.

Best regards,

Greg Barwell

<clip_image001.png>

PLEASE SEE OUR NEW ADDRESS

Gregory Barwell, Attorney at Law
475 Metro Place South, Suite 430
Dublin, Ohio 43017
Direct Phone 614.778.8199 / Phone & Fax 614.456.0488

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Elizabeth A. Kramer

From: Nick Brumm
Sent: Thursday, December 2, 2021 11:20 AM
To: gbarwell@wesplaw.com
Subject: FW: NextLight Returns
Attachments: CABA Credit Memo #34577.pdf

Greg,

This should get you started. See where he gave me full credit for these damaged units? This certainly does not line up with what he has been telling you/Best. After this he included a 1% discount on each invoice for the expected failure rate. Unfortunately the real failure rate was much higher.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>
Date: Friday, September 18, 2020 at 3:50 PM
To: 'Nick Brumm' <nick@nextlight.com>
Cc: 'Anna Lopez' <alopez@cabatech.com>
Subject: RE: NextLight Returns

Hi Nick,

I took everyone but Anna off the DL – just because I’m not sure how all this gets communicated internally...

We finalized our assessment of the last 20x MEGAs to get sent back to the factory. Unlike the first batch that clearly had failed drivers, this batch was comprised mostly of units that showed some visible damage that caused some LEDs to fail (17 out of 20). Based on our assessment, the damage resulted from either [1] plants being allowed to grow into the fixture and depositing resin/mold/other carbon on the LEDs and/or solder mask (which then burns) or [2] water/chemical over-spraying. Nevertheless, I’ve attached a credit for these 20 pieces – in line with our to-be-finalized returns discussion. BTW, I’m hopeful that the addition of conformal coating will reduce this type of failure in the future.

Regarding our ongoing plans, the way we left it earlier in the week is that you would discuss with Dan what quantities of raw materials you would need in order to create “new/refurbished” fixtures on your side (vs. using old boards/drivers/fuses) that may not have their full life remaining. Dan’s email below is in line with that exercise, so I think we’re making progress. In line with our discussion, what I’d like to do is basically offer you an unlimited amount of raw materials to make these fixes (i.e. unlimited raw materials). I will commit to keeping you supplied with boards, drivers, and fuses, so that you never need to harvest these materials from old fixtures. In addition, if it makes sense to send fixtures back to Spokane to fix, we will take care of that. This is all in addition to crediting you for everything on

Dan's list and also providing a 1% returns allowance on future shipments. I'm keenly aware of your perspective on this and will do everything I can to support you, but I do hope/think this will accomplish the goals we discussed.

In the meantime, I'll ask Anna to send Dan the materials he discussed below.

Call me anytime to discuss.

Adam

From: Dan Hartman <dan@nextlight.com>

Sent: Friday, September 18, 2020 11:33 AM

To: Anna Lopez <alopez@cabatech.com>

Cc: Nick Brumm <nick@nextlight.com>; Adam Friedman <afriedman@cabatech.com>; Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>

Subject: Re: NextLight Returns

Anna,

We are actually wanting to just fix this veg8 switch unit instead of spending the money on shipping the unit back and forth.

We need 10-20 fuses and 10-20 veg8 boards, so that we can fix this unit and any units that have small issues in the future.

Also we have a customer that has 100+ megas with diodes/ strips out. We aren't replacing these units with new units due to the fact of misuse. But I am replacing all of the boards on these units and sending them back to our customer. We are running low on good boards to replace the bad boards on these units. If we are planning on scrapping all of the bad units that I have ready to send back to you, I could harvest all of the boards off of those units. If that isn't something you want us to do then we will be needing more boards to continue to fix these units.

Thanks

Dan Hartman

Nextlight

dan@nextlight.com

On Wed, Sep 16, 2020 at 2:15 PM Anna Lopez <alopez@cabatech.com> wrote:

Hi Dan

Please send the unit back with the attached form and we will take a look at it

Thank you,

Anna Lopez

CABATECH

5435 Balboa Blvd. Ste 108

Encino, CA 91316

800-853-7606

www.cabatech.com

From: Dan Hartman [mailto:dan@nextlight.com]
Sent: Wednesday, September 16, 2020 7:00 AM
To: Anna Lopez
Cc: Nick Brumm; Adam Friedman; Matt Niese; Kyle Creasey
Subject: Re: NextLight Returns

Hi Anna,

We have a brand new veg8 switch that has a bad board. We checked to make sure that the board is wired correctly and that the fuse is working properly. We would like to ship this back to either be repaired or get credit for it.

UL#R87190948

Build Date: 8/26/20

Dan Hartman

Nextlight

dan@nextlight.com

On Fri, Sep 11, 2020 at 6:36 PM Adam Friedman <afriedman@cabatech.com> wrote:

Hi Nick,

The more we talk about this internally, the more we think it's waste of time and money to send these fixtures back to Spokane. Getting the information from Dan on the breakdown of failures by date and cause was very illuminating

(thanks!) and I think we can design a program that meets everyone's needs and minimizes extra effort. I'll call you Monday morning to discuss.

In the meantime, Dan, please hold onto these fixtures (we might just junk them). I know they're in the way. We'll get this resolved ASAP.

Have a good weekend, everyone!

Adam

From: Nick Brumm <nick@nextlight.com>
Sent: Thursday, September 10, 2020 10:06 AM
To: Anna Lopez <alopez@cabatech.com>; 'Dan Hartman' <dan@nextlight.com>
Cc: 'Kyle Creasey' <kyle@nextlight.com>; 'Adam Friedman' <afriedman@cabatech.com>; 'Matt Niese' <matt@nextlight.com>
Subject: Re: NextLight Returns

We are averaging 37 Mega returns per month, once Dan is caught up you can still expect at least one bulk box per week.

Thanks,

Nick Brumm

NextLight

nick@nextlight.com

www.nextlight.com

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From: Anna Lopez <alopez@cabatech.com>
Date: Thursday, September 10, 2020 at 1:01 PM
To: 'Dan Hartman' <dan@nextlight.com>
Cc: 'Kyle Creasey' <kyle@nextlight.com>, 'Adam Friedman' <afriedman@cabatech.com>, 'Matt Niese' <matt@nextlight.com>, 'Nick Brumm' <nick@nextlight.com>
Subject: RE: NextLight Returns

Thank you!

Thank you,

Anna Lopez

CABATECH

5435 Balboa Blvd. Ste 108

Encino, CA 91316

800-853-7606

www.cabatech.com

From: Dan Hartman [<mailto:dan@nextlight.com>]
Sent: Thursday, September 10, 2020 9:31 AM
To: Anna Lopez
Cc: Kyle Creasey; Adam Friedman; Matt Niese; Nick Brumm
Subject: Re: NextLight Returns

Hi Anna

Here is the FedEx tracking # 142171760569

Thanks again,

Dan Hartman

Nextlight

dan@nextlight.com

On Thu, Sep 10, 2020 at 8:38 AM Dan Hartman <dan@nextlight.com> wrote:

Hi Anna

That is the list of what we currently have ready to return. We are still going through more units that are here and more show up everyday. The amount of bulk boxes that will be ready to return will continue to grow as more come back from our customers and we are able to go through them.

We will send back the single unit today with the RMA form inside. I will send you the FedEx tracking information as soon as I have it.

Thanks

Dan Hartman

Nextlight

dan@nextlight.com

On Wed, Sep 9, 2020 at 3:45 PM Anna Lopez <alopez@cabatech.com> wrote:

Hi Dan

Sure, please go ahead and send this unit back now with the attached RMA . Please include the RMA form in the box

Thank you,

Anna Lopez

CABATECH

5435 Balboa Blvd. Ste 108

Encino, CA 91316

800-853-7606

www.cabatech.com

From: Dan Hartman [mailto:dan@nextlight.com]
Sent: Wednesday, September 9, 2020 12:01 PM
To: Anna Lopez
Cc: Kyle Creasey; Adam Friedman; Matt Niese; Nick Brumm
Subject: Re: NextLight Returns

Anna,

I forgot to mention in the last email that we also have a unit with a build date of 7/8/20 and UL #R67412976 with a strip out that we would like to send back separately.

Thanks again,

Dan Hartman

Nextlight

dan@nextlight.com

On Wed, Sep 9, 2020 at 2:43 PM Dan Hartman <dan@nextlight.com> wrote:

Hi Anna,

We now have 8 full bulk boxes that are ready to be returned. We also are working on filling 5 more bulk boxes and could really use the space for our new units. We would like to get 2 bulk boxes shipped back as soon as possible and then start shipping 2 more bulk boxes every week until we get them all sent back.

I have created a google sheet that has all of the bad units UL number, build date, and reason for return. There are 5 tabs at the bottom to go between each different issue. The link is below...

https://docs.google.com/spreadsheets/d/1AoMDE-Hh_G00VuWgwCZ36OSAyHutp947k2kAXYjKayg/edit?usp=sharing

Also we have 110 bad mega drivers that we need to send back from when we were swapping out bad drivers.

I look forward to hearing from you,

Dan Hartman

Nextlight

dan@nextlight.com

On Fri, Aug 28, 2020 at 3:25 PM Anna Lopez <alopez@cabatech.com> wrote:

Hi Kyle

Thank you so much, you too have a great weekend!

Thank you,

Anna Lopez

CABATECH

5435 Balboa Blvd. Ste 108

Encino, CA 91316

800-853-7606

www.cabatech.com

From: Kyle Creasey [mailto:kyle@nextlight.com]

Sent: Friday, August 28, 2020 12:23 PM

To: 'Dan Hartman'; 'Adam Friedman'; Anna Lopez
Cc: 'Matt Niese'; 'Nick Brumm'
Subject: Re: NextLight Returns

Hi Anna,

Dan is out of the office today so I wanted to send over the tracking for the single mega we sent yesterday and the tracking for the three pallets that left today. Two of the pallets that left today are bulk boxes with faulty Mega, the other pallet has all the blank access plates and power cords.

Single Mega tracking is 142171759576 and the tracking for the three pallets of freight is 396279816807.

Have a good weekend!

Thank you,

Kyle Creasey

Nextlight

Kyle@Nextlight.com

513-718-7556

On Thursday, August 27, 2020, 5:28:10 PM EDT, Anna Lopez <alopez@cabatech.com> wrote:

Hi Dan

You beat us to it, we were just going to ask that you send the one unit back as well. If you can please send me the tracking# so I can follow it through, I would appreciate that..

Thanks for getting the next set of 20 fixtures out, we will dig into those as soon as they arrive. Did you happen to send back the pallet of access plates & cords as you mentioned as well?

For the first batch of 20 MEGA's you sent to us, we have gone through them and found that 19 of the units had a bad driver, 1 of these 19 units also had one bad LED board and we had 1 fixture that has tested fine with no issues at all.

If you need anything else please let me know

Thank you,

Anna Lopez

CABATECH

5435 Balboa Blvd. Ste 108

Encino, CA 91316

800-853-7606

www.cabatech.com

From: Dan Hartman [mailto:dan@nextlight.com]
Sent: Thursday, August 27, 2020 11:57 AM
To: Adam Friedman
Cc: Matt Niese; Kyle Creasey; Nick Brumm; Anna Lopez
Subject: Re: NextLight Returns

Adam,

We sent the individual unit out today via fedex express and we will be shipping two bulk boxes tomorrow.

Both bulk boxes have 10 units each that have either strips out, burnt diodes, or both.

Thanks again,

Dan Hartman

Nextlight

dan@nextlight.com

On Thu, Aug 27, 2020 at 12:13 PM Adam Friedman <afriedman@cabatech.com> wrote:

Understood, Dan. We're anxious to see what's going on here as well.

Let's plan to have this and the other units shipped out by tomorrow at the latest. Anna will get back to you later today with further details.

Adam

From: Dan Hartman <dan@nextlight.com>
Sent: Thursday, August 27, 2020 8:21 AM
To: Adam Friedman <afriedman@cabatech.com>
Cc: Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>; Nick Brumm <nick@nextlight.com>; Anna Lopez <alopez@cabatech.com>
Subject: Re: NextLight Returns

Adam,

We also just got a unit back that is barely more than a month old. The unit is strobing, but not on all boards. Everything is wired correctly, so we would like to send this unit back as soon as possible to try and find the root cause of this issue.

Talk to you soon,

Dan Hartman

Nextlight

dan@nextlight.com

On Thu, Aug 27, 2020 at 9:39 AM <hartman522522@gmail.com> wrote:

Adam,

I'm just following up to see when we would be able to ship more units your way. I've had some time to go thru more returns and they are stacking up in our limited space in the warehouse.

Thanks,

Dan Hartman

Sent from [Mail](#) for Windows 10

From: [Adam Friedman](#)
Sent: Monday, August 24, 2020 12:22 PM
To: hartman522522@gmail.com
Cc: [Matt Niese](#); [Kyle Creasey](#); [Nick Brumm](#); [Anna Lopez](#)
Subject: RE: NextLight Returns

Understood. Thanks for the clarification.

From: hartman522522@gmail.com <hartman522522@gmail.com>
Sent: Monday, August 24, 2020 9:01 AM
To: Adam Friedman <afriedman@cabatech.com>
Cc: Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>; Nick Brumm <nick@nextlight.com>; Anna Lopez <alopez@cabatech.com>
Subject: RE: NextLight Returns

Adam,

We are no longer swapping out drivers because we are far too busy.s

The two pallets of megas that we just sent back had only been verified that the driver failure noted by the customer was correct.

The pallet I was referring to was excess that we were going to ship back to be used on new units. There is a box of blank access plates that can be used on new megas, 224- 120v cords that can be put with new megas, and 280- whipped 120v cords that can be put on new veg8 switches.

Sent from [Mail](#) for Windows 10

From: [Adam Friedman](#)
Sent: Friday, August 21, 2020 5:34 PM
To: [Dan Hartman](#)
Cc: [Matt Niese](#); [Kyle Creasey](#); [Nick Brumm](#); [Anna Lopez](#)
Subject: RE: NextLight Returns

Hi Dan,

I think we'll be ready on this within the next week. Please hold for now.

We're just about ready to give you feedback on the first two pallets. One thing I've heard anecdotally is that simply replacing the bad driver fixed all problems (i.e. the root cause of all these failures was just faulty driver). You guys had previously mentioned that this batch contained units where you had replaced a bad driver with a new driver – and that the new driver then failed in quick succession. We haven't been able to replicate that. Can you provide any more commentary on what you found?

Re: below, I'm not sure what you mean by a pallet with blank access plates, etc. Are you saying you've grouped by product type (vs. failure mode)? If that's it, understood. We're looking forward to digging in. Although I wonder if it's possible to group by failure mode, so that we can troubleshoot similar product failures all at once.

Talk to you soon,

Adam

From: hartman522522@gmail.com <hartman522522@gmail.com>
Sent: Friday, August 21, 2020 8:35 AM
To: afriedman@cabatech.com
Cc: Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>; Nick Brumm <nick@nextlight.com>; Anna Lopez <alopez@cabatech.com>
Subject: RE: NextLight Returns

Adam,

We are ready to send back more faulty megas. Please let me know when we are able to send more your way. Also we have a pallet with blank access plates, 5-15P pigtail cords, and 5-15P to C13 cords.

Dan Hartman

Nextlight

dan@nextlight.com

Sent from [Mail](#) for Windows 10

From: [Adam Friedman](#)
Sent: Friday, August 7, 2020 3:59 PM
To: [Dan Hartman](#)
Cc: [Matt Niese](#); [Kyle Creasey](#); [Nick Brumm](#); [Anna Lopez](#)
Subject: RE: NextLight Returns

Thanks Dan. We're looking forward to digging in...

Talk to you soon,

Adam

From: Dan Hartman <hartman522522@gmail.com>
Sent: Friday, August 7, 2020 12:02 PM
To: afriedman@cabatech.com
Cc: Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>; Nick Brumm <nick@nextlight.com>
Subject: Re: NextLight Returns

We shipped them out today with FedEx Freight. The tracking number is 395596057589.

Have a great weekend!

Dan Hartman

Nextlight

dan@nextlight.com

On Fri, Aug 7, 2020, 1:18 PM Adam Friedman <afriedman@cabatech.com> wrote:

Hi Dan,

This seems like a great start. Please send to:

CABA RETURNS

2622 N Woodruff Rd.

Spokane Valley, WA 99206

ATTN: Rich/Lance

Have a great weekend.

Adam

From: Dan Hartman <hartman522522@gmail.com>

Sent: Friday, August 7, 2020 9:24 AM

To: afriedman@cabatech.com

Cc: Matt Niese <matt@nextlight.com>; Kyle Creasey <kyle@nextlight.com>; Nick Brumm <nick@nextlight.com>

Subject: NextLight Returns

Adam,

We are ready to start sending back faulty megas. We have two bulk boxes to send back this first time.

The first bulk is 10 megas all with blue driver failures. I have verified that the blue driver failed by either plugging the unit in and having the unit fail immediately or burning the unit until the blue driver failed.

The second bulk is 10 megas all with red driver failures. I have verified that the red driver failed by either plugging the unit in and having the unit fail immediately or burning the unit until the red driver failed.

We would like to ship these out as soon as possible. What address should we send these to? Also who's name should we put attention to?

Dan Hartman

Nextlight

dan@nextlight.com

Sent from [Mail](#) for Windows 10

From: [Nick Brumm](#)
Sent: Tuesday, July 28, 2020 2:24 PM
To: dan@nextlight.com
Cc: [Matt Niese](#); [Kyle Creasey](#)
Subject: FW: NextLight returns

FYI please read below regarding all the Mega we want to send back.

Thanks,

Nick Brumm

NextLight

nick@nextlight.com

www.nextlight.com

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From: Adam Friedman <afriedman@cabatech.com>
Reply-To: <afriedman@cabatech.com>
Date: Tuesday, July 28, 2020 at 2:20 PM
To: 'Nick Brumm' <nick@nextlight.com>
Subject: RE: NextLight returns

Hi Nick,

We're ready to help. I'd like to process these returns in phases. Can I suggest the following?

- Create a simple list that includes "failure type", "quantity", and "work NextLight has performed in house to fix/test/validate", so we can see what we're dealing with.
- Send back the first batch (units with one color failure that work when the driver is replaced and then fail again soon after).
- Send back additional groups in quick succession, one at a time (or grouped), by failure type.

Ultimately, the most important thing is to identify any root cause. I think a consistent process will yield the best results.

Give me a buzz if you want to discuss.

Thanks,

Adam

From: Nick Brumm <nick@nextlight.com>
Sent: Tuesday, July 28, 2020 11:05 AM
To: Adam Friedman <afriedman@cabatech.com>
Subject: NextLight returns

Adam,

My warranty guy is back in the office and ready to start sending back groups of Mega failures. We have around 100 Mega that have failed and we are grouping like failures into bulk boxes. My intent is to start sending these back to you for credit. You can do whatever you please when they get back to Ecolite, but I do not want these fixed and returned. I only want credit for each failure.

I have shouldered this load since the beginning and now I am passing the torch to you. Warranty returns cost me \$80k in 2017, \$144k in 2018, \$204k in 2019 and \$132k through June this year not including the Next Day Air shipping charges that we incur with each failure. I will continue to cover the shipping on my side.

We will begin shipping 1-2 bulk boxes per week until we clear out the backlog. Keep in mind that we are only sending newer fixtures to you or unique failures, anything old or egregiously abused gets scrapped here.

Thanks,

Nick Brumm

NextLight

nick@nextlight.com

www.nextlight.com

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CABATech, LLC

5435 Balboa Blvd, Suite 108
Encino, CA 91316 US
800-853-7606

**CREDIT TO**

NextLight
1008 Seabrook Way
Cincinnati, OH 45245

CREDIT # 34577**DATE 09/18/2020**

ACTIVITY	QTY	UNIT PRICE	AMOUNT
MEGA RMA	20	538.23	10,764.60
NextLight MEGA Grow Light			
Assorted returns 9/2/20 RC201752A			

Note: 20 units with one or many LEDs out; 17 units with clear damage to the board (including damaged LEDs, foreign material, water and/or overspray, etc.) and 3 units with no discernable damage.

TOTAL CREDIT**\$10,764.60**

Elizabeth A. Kramer

From: Nick Brumm
Sent: Thursday, October 28, 2021 2:35 PM
To: gbarwell@wesplaw.com
Subject: FW: V2 count

Greg,

See below for V2 Mega on hand for RMA and repair. I suspect we will see up to the full ~2300 remaining units in the field fail and I will need a lot more units ready to send out to customers.

Thanks,

Nick Brumm
NextLight
nick@nextlight.com
www.nextlight.com

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From: Nick Brumm <nick@nextlight.com>
Date: Thursday, October 28, 2021 at 2:09 PM
To: Adam Friedman <afriedman@cabatech.com>
Subject: V2 count

Adam,

We currently have the following:

88 V2 repaired with Wagos ready to ship out
195 V2 returned from customers that need to be repaired with Wagos (some portion of these boxes need to be replaced ~30%)
0 V2 that are new and have not been repaired with Wagos

I can have my guys start working on these 195 here if you agree to pay them \$50/hr. They are fast and they get the job done right. We are following up with customers that have not returned V2s that were replaced under warranty, this is a task in itself. As of Monday we had shipped out 779 replacements, we know this situation is still fluid and we do not know the total number that will fail over time, but we have to have units on hand ready to go out to customers. Some people do not mind reworked fixtures in used boxes, but people that purchased these units for full retail at a retail store are going to be very vocally disappointed if they get a used replacement fixture in a beat up box. We have around 100 new boxes here that need to be stapled and assembled and we can include that in the hourly repair pool. At some point we are going to need more new boxes and some amount of new fixtures.

Thanks,

Nick Brumm
NextLight

nick@nextlight.com

www.nextlight.com

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iMessage
Mon, Oct 4, 2:40 PM

Greg, I'm free for the next 2 hours

Mon, Oct 18, 4:39 PM

I'm out of the office until Thursday but I'll work on that file tonight. The warranty problem is not getting better.

Great, can we set up a call for Friday?

Yes let's do that

Excellent and Thank You!

Thanks Greg

Thu, Oct 21, 11:04 AM

What time is good for you tomorrow for our call?

Greg, I'm dealing with some family health issues and won't be in the office until Monday. Are you available Tuesday? That will give me enough time to get you what you need.

Thu, Oct 21, 2:18 PM

I am very sorry to hear that and I hope it's not too serious. I have no problem with us talking Tuesday about the warranty issues and numbers that you may have, but I have another possibility for you that I need to discuss tomorrow so we can have some understanding next week. Can you give me 10-15 minutes tomorrow?

Yeah text me in the morning and we'll figure out a time

Thank You!

Fri, Oct 22, 2:22 PM

Nick - do you have any time available for rest of day?

Tue, Oct 26, 2:47 PM

Hi Nick, hope you made it home safely. I have not seen your warranty memo we discussed. Can we have a call around 4. Today?

Yes

I'm trying to get it in a format that makes sense, but I don't think that will happen quickly.

Here's the jist of it: I've sold a total of 24,176 Mega since 2016. When I started the file a few weeks ago 2111 of those Mega had seen what we would call a real failure. This is 8.73% fail rate.

The problem here is that we are replacing them so quickly the numbers keep going up. I've had to replace 211 additional fixtures since I started the file.

We are tracking 779 fixtures that we have had to replace of the latest build, the V2. Wet only sold 3526 mega this year and a few hundred of those were the earlier version. If we go by those numbers we are closer to 25% fail rate.

We are going to run out of replacement lights and I haven't heard anything from CABA or Best.

So hopefully that's what you plan on discussing at 4.

Tue, Oct 26, 4:04 PM

We need to get on this call soon

Sorry I got caught up on another matter. How is your morning?

I just talked to Adam for a while

Catch up with those guys and hopefully you and I never talk again haha

Wed, Oct 27, 3:13 PM

Do you have anytime this afternoon to talk?

Yes

Sooner the better

Yes

Thu, Oct 28, 2:12 PM

What's your email address?

gbarwell@wesplaw.com

Tue, Nov 16, 12:54 PM

You have time for a quick call?

Sure can I call you in 30 min?

that works

sorry I got stuck on a call, I'm free now

Wed, Nov 17, 3:29 PM

Let me know if you have time for a call. Later today or tonight. Thank You!

Thu, Nov 18, 12:40 PM

Need a call with you today.

2pm?

Thu, Nov 18, 2:08 PM

I've got a right window today Greg

Tight

Sorry I missed you. Just give me a time

Now

They're going to send it out now, should hit by 5

I think the domestic cutoff is 4pm fort me

For

Thank You!

Tue, Nov 23, 12:09 PM

What can you do per week until end of December? I am drafting the agreement. Also spoke to Adam and he is supposed to work with you on warranty number. Please let me know when he gets in touch with you.

\$10k

Ok Thank You! Will you make a payment today?

yes

I went ahead and signed us up for a membership

I signed you up to get a card

lol wrong window Greg

Tue, Nov 23, 4:34 PM

I thought so. Or I was getting some new membership

Wed, Nov 24, 2:57 PM

Hi Nick - do you have time for a call Friday with jeff and Adam? I want to push a call for all of us to talk about the warranty and what number your considering so we can finalize and put this to bed. I would ask that you consider a number for all warranty moving forward based upon failure rate. Thanks and let me know a good time.

No, we are closed. Just have them send me what they think is fair and we'll discuss later.

That's the point, I need to know from you what's fair.

Just tell them to send me an offer and we'll go from there, this isn't rocket science.

Yes I get it but you have more accurate numbers than they have. Just send me over something to start negotiations on the warranty. Have a pleasant thanksgiving.

Mon, Nov 29, 12:15 PM

I still don't have anything from Adam

Mon, Nov 29, 2:27 PM

Please see my last text. Waiting for you

Per our discussion two weeks ago, I wired them \$10k and you were going to have Adam skip dessert at Thanksgiving if that's what it took in order for him to put something together. I did my part. They have done absolutely nothing up to this point.

Tue, Nov 30, 2:50 PM

I still haven't seen anything from Adam

I'm jumping on a call with him. We are moving our office and it's a real pain. Sorry

Wed, Dec 1, 4:52 PM

I need to schedule a call with you tomorrow- what is your availability? Also I have been notified that there was not a payment made yesterday. It really helps to keep these folks motivated by making those \$10k payments. Thank You!

Greg, in our conversation where we discussed Adam getting me a plan we agreed that I would not be making any more payments until I got the plan. We discussed that it made no sense to keep posting with no end and no credits when I really need the credits in the beginning

And I still haven't heard anything from Adam.

Wed, Dec 1, 6:01 PM

Adam and I will talk to you with a number. What time are you available? Also I never said to stop making payments.

I told you I wasn't going to make any more until we had a number and that's when you said you would make Adam skip dessert. Then you asked me to at least make that payment.

What time tomorrow?

Give me some time to review his proposal and then we can jump on a call

I want to get on a call with you and Adam tomorrow and then I can take it from there.

I'm 100% positive that you have a very good reason for not wanting Adam to send me his proposal and I have respect for your position in this matter given your profession. But when we talked on the phone two weeks ago this is what we agreed to do. So by going against our previous conversation you are convincing me that phone calls are worthless if nobody remembers what they agreed to do. So let's go with our plan from two weeks ago and I'll get on a call shortly after I have time to review the proposal.

And hurry up because I may have someone lined up to buy out my current business partner, but I need to know what the actual number is.

I have a call with NY tomorrow morning and I'll let you know what we're doing after that call. And you must have misinterpreted what I said about payments. The \$10k or \$50k payments you were making is good faith to keep this negotiation open and I would not tell you to stop or suspend those payments.

You must not have been paying attention, I said I would

make the two prior to Thanksgiving if he sent me a proposal. He did not send me a proposal. The second I see the proposal I will wire over a payment. I've been paying and they literally haven't done shit.

While I won't get on a call with you and Adam until you do what you said you were going to do, I'll gladly get on a call with whoever actually makes decisions for these companies. And from what you are saying, those are the guys in NY.

So you will not get on a call with me tomorrow?

Yeah I'll get on a call with you Greg

But only if you assure me that you are charging Best per text

Otherwise I'm out

It will be just you and me. I charge by the hour.

Call me at 11

Talk to you then.

Thu, Dec 2, 11:00 AM

Give me five minutes

Ok call you back.

Fri, Dec 3, 2:36 PM

Do I need to send something over today? And what is a price if it is paid in full before the end of the year?

and what is the price if you do not service the warranties at all?

I need to get this into my pitch today

Tue, Dec 7, 4:42 PM

We need to finalize this tomorrow

Cool, send me something that says you will give me \$538 for every fixture that fails over the next 5 years and we'll get it done

That's not what your warranty states.

We have demonstrated that they are incapable of properly fixing anything and the last time they gave us a credit

No.

Tue, Dec 14, 4:34 PM

I just had one grower reach out about 27 failed mega in one room

Wed, Dec 29, 2:14 PM

Do you have time for a quick call today or tomorrow?

Thu, Dec 30, 6:14 PM

Sorry been traveling. Anytime tomorrow I'm in a car.

Tue, Jan 4, 11:17 AM

Do you have any time today or tomorrow?

I also need an updated balance

I will later today. I'll get you a balance.

Wed, Jan 5, 11:17 AM

I left you a message yesterday on voice mail.

I'm free now

I have a 12:00. How does your afternoon look?

I may have a 2:30, I'm waiting to see if it will get

rescheduled

Are you free at 1?

Wed, Jan 5, 9:21 PM

Let's get on the schedule for tomorrow

I'm free from noon until 2

And 4 to 5

Thu, Jan 6, 12:22 PM

Are you free today?

Call you at 1:30?

yes



Give me another 5 min.

Fri, Jan 21, 2:36 PM

Greg, can I take that credit for my payment today?

Wed, Jan 26, 1:57 PM

where are we on credits?

Sun, Apr 3, 6:17 PM

We are talking about this and next steps.

Wed, Apr 6, 2:14 PM

In the meantime we need to figure something out for my ongoing warranty crisis. I am out of parts to be able to repair lights. I need Mega boards and drivers badly.

Fri, Apr 8, 11:44 AM

It's been two weeks and I haven't heard anything from anyone

Delivered